

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

JERROD COOPER (#14160)

DOCKET NO. 5:16-CV-1706-P

VERSUS

JUDGE ELIZABETH E. FOOTE

COLIN ROGERS, ET AL.

MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein (Doc. 11), noting the absence of objections thereto, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that the Homer Police Department is dismissed from suit pursuant to §§ 1915(e)(2)(b) and 1915A.

IT IS FURTHER ORDERED that Plaintiff's medical care claim against Defendants Davis and Rogers is hereby **DENIED** and **DISMISSED**, with prejudice, pursuant to §§ 1915(e)(2)(b) and 1915A, thereby dismissing Defendant Davis completely from this suit.

IT IS FURTHER ORDERED that Plaintiff's claim for damages for wrongful stop/arrest and excessive force against Defendants Rogers and Tucker is **STAYED** under the following conditions:

- a. within thirty (30) days of the date the criminal proceedings against Plaintiff have concluded, Plaintiff must file a motion asking this Court to lift the stay and advising the Court of the outcome of the proceedings;
- b. if the stay is lifted and the court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under Heck; if no such finding is made, the action will proceed at that time, absent some other bar to suit; and,
- c. in light of the stay, Plaintiff should not file any more documents in this action

until the state court proceedings have concluded.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 16^A day of

November, 2017.

ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE